



NEVADA WORKERS' COMPENSATION CHRONICLE

Department of Business & Industry (B&I)
A Publication of the Workers' Compensation Section (WCS)

Division of Industrial Relations (DIR)
Summer Edition (June -August 2015)

This newsletter is not intended to provide legal advice to the reader. Legal opinions or interpretations of statutes and regulations referenced should be sought from legal professionals.

5th Annual Nevada Workers' Compensation Educational Conference

Summer Educational Conference Registration Opens

Online registration is now available for the 5th Annual Educational Conference Aug. 20 - 21 at the Tuscany Suites Hotel in Las Vegas.

<https://www.compevent.com/nevada/>

The early bird conference registration deadline is July 1 and offers a \$50 discount for early registrants. The conference is sponsored by WCS in cooperation with the International Workers' Compensation Foundation (IWCF). All employers, employees, insurance companies, agents and brokers, attorneys, third-party administrators, healthcare organizations, managed care organizations, medical and rehabilitation professionals and researchers will receive valuable workers' compensation information at this year's conference.

Continuing education credit applications are pending for attorneys, rehabilitation providers, insurance producers, and human resource professionals. For other professional disciplines, a certificate of completion will be provided.

The program will feature presentations and workshops led by experts from WCS and other Nevada state agencies, as well as the private sector. The focus of the discussions will be on common questions and significant aspects of workers' compensation in Nevada. In addition, an exhibit hall will feature various service providers. ☐

Message from DIR Administrator Steve George

I'd like to take a moment to introduce myself to the workers' compensation community as the new Administrator for the Division of Industrial Relations (DIR). My first day on the job was November 3.



Needless to say, it's been a whirlwind "adventure" over the past few months. Fortunately for me, we have an excellent group of Chief Administrative Officers, including Workers' Compensation Section (WCS) CAO Chuck Verre, an experienced and knowledgeable Deputy Administrator Jan Rosenberg, and dedicated staff that have made my transition comfortable and seamless.

Of course, as part of my "baptism," we just completed the 2015 Legislative

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FIFTH ANNUAL
NEVADA
Workers' Compensation
Educational Conference

NEVADA DEPARTMENT OF
BUSINESS AND INDUSTRY

August 20-21, 2015

Tuscany Suites Hotel • Las Vegas, Nevada

*Early-bird conference registration deadline: On or before July 1st
Deadline for hotel reservations at conference rate: July 20th*

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Consumer Health Assistance (OCHA)

The State of Nevada's Office for Consumer Health Assistance (OCHA) helps Nevadans access information on their rights and responsibilities as patients and injured workers.

We also advocate, and educate consumers and injured workers concerning their rights and responsibilities under their health care plans and policies including: group health plans through their employer, managed care, individual health insurance policies, hospital billing, the Employee Retirement Income Security Act (ERISA), workers' compensation, and those enrolled in government programs such as Medicare and Medicaid, and discount medical plans.

Our Ombudsman for injured workers can answer questions about the workers' compensation claim process, and when necessary, will advocate on their behalf to resolve issues including: Total Temporary Disability benefit delays or miscalculations, treatment plan inquiries, and preparation and filing of Hearings/Appeals requests. OCHA may also assist injured workers with filing formal complaints with the Division of Industrial Relations.

For additional information, please contact OCHA at 702-486-3587, or Toll free at 1-888-333-1597. You can also visit our website at: <http://dhhs.nv.gov/Programs/CHA/> or email us at cha@govcha.state.nv.us.

Charles Quintana

Ombudsman for Injured Workers
Office for Consumer Health Assistance



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Session, which included several bills relating to workers' compensation. A legislative session is an incredible way to learn very quickly, as you get to hear the pros and cons of various issues during the hearings on bills, which was most certainly the case this year. It also afforded me the opportunity to meet many people who are invested in the workers' compensation arena, which expedited my quick education.

In this newsletter and at the 5th Annual Nevada Workers' Compensation Education Conference, you'll hear more about legislation affecting workers' compensation that was passed by the Legislature and signed into law by Governor Sandoval.

As for my background, I served as the Chief of Staff for the Nevada Treasurer's Office for six years prior to joining the DIR team. I have had the pleasure of working in the executive staff of the Governor's (Kenny Guinn), Secretary of State's (Dean Heller), and Attorney General's (Frankie Sue Del Papa) offices during my 17 year State of Nevada career.

As you may know, DIR is comprised of six Sections: Legal, Mechanical Compliance (elevators, escalators, and boilers), Mine Safety and Training, Occupational Safety and Health Administration, Safety Consultation and Training, and Workers Compensation. We have 219 full-time positions, of which 56 are in the WCS. As DIR Administrator, my job is to work closely with the Deputy Administrator to ensure we are providing our CAOs and staff with the tools they need to succeed; to provide guidance and my experience as an administrator in terms of personnel and budget decisions; to establish office priorities and responsibilities; and to ensure projects are completed timely.

For those of you in the private sector, I believe in open and responsive government. Our job is to meet the statutory framework established in Nevada Revised Statutes and regulations, but to do so in an atmosphere of

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Uninsured Employers' Account Protects Nevada Workers

A key WCS mission is to ensure that employers, per workers' compensation law, purchase and maintain proper coverage. In addition, hefty fines and penalties are in place to motivate employer compliance. However, "What happens to those injured workers whose employer, for whatever reason, doesn't have required coverage?"

[NRS 616C.220](#) details how an injured employee may receive compensation from the Uninsured Employers' Claim Account (UECA). As with a regular claim there are various criteria to satisfy, but the bottom line is that the injured worker is entitled to the same range of compensation and benefit as if he worked for a fully-insured employer.

There is a variety of ways possible uninsured claims come to WCS in a variety of ways. However, one of the most common ways is when an injured worker seeks medical treatment and there is no workers' compensation insurer. The worker is treated, but that C-4 claim form is sent to DIR/WCS. For further investigation.

The WCS investigator visits the alleged employer and also collects information from the injured employee. The injured employee is informed of his or her right to elect compensation benefits from the UECA or seek direct redress from the employer, which often takes the form of a civil lawsuit. Regardless of which option the injured worker chooses, if the employer is found to be uninsured, ECU will issue the applicable citations to that employer. If the injured worker chooses to file a claim with the DIR, that claim will ultimately be processed by the State's UECA third-party administrator, Sierra Nevada Administrators, Inc. which has 30 days to accept or deny the claim. In addition, the DIR Counsel and Administrative Services Unit pursue reimbursement collection action against the employer for all UECA expenses relating to the uninsured claim.



MISSION STATEMENT

The purpose of the Workers' Compensation Section is to impartially serve the interests of Nevada employers and employees by providing assistance, information, and a fair and consistent regulatory structure focused on:

Ensuring the timely and accurate delivery of workers' compensation benefits.

Ensuring employer compliance with the mandatory coverage provisions.

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cooperation and collaboration with the business community as much as possible. To that end, my door, email, and phone are always open. Please feel free to contact me with any concerns or ideas you may have to improve our mission.

I am also a big believer in communication and enlisting stakeholder input and support when we are looking at establishing new programs, amending or creating regulations, creating bill draft requests, etc. In my opinion, the Workers' Compensation Section and our Legal Section have done an excellent job of doing just that as we look to update the Medical Fee Schedule and adopt revised regulations pertaining to workers' compensation in Nevada. Several workshops have been held and we have received great input as a result of those meetings. In closing, I hope to meet many of you at the 5th Annual Nevada Workers' Compensation Education Conference, which will take place August 20-21 at the Tuscany Suites Hotel in Las Vegas. Thank you for your dedication to the workers' compensation field! ☐

Steve George
Administrator, DIR
sgeorge@business.nv.gov
(775) 684-7262

Summer 2015 Workers' Compensation Training Sessions

The WCS Orientation is a comprehensive overview of workers' compensation in Nevada. Specified Forums offer specified advanced topics. All training sessions are free and open to the public

SOUTHERN NEVADA

1301 North Green Valley Parkway
Suite 200, Henderson, Nevada 89074

✉ aljohnson@business.nv.gov

☎ (702) 486-9019

WCS Basic Orientation

July 9, 2015

1:30 pm

NORTHERN NEVADA

400 West King Street, #400
Carson City, Nevada 89703

For scheduling information in the Carson City/Reno area, contact:

✉ kwilliams@business.nv.gov

☎ (775) 684-7265

Myth vs Reality

Pay Attention Now or Pay Later

The following myth vs reality aims to address common misconceptions dealing with workers' compensation insurance compliance issues.

Myth: The subcontractors that I hire should have their own coverage, so I won't worry about workers' compensation insurance.

Reality: If you are a licensed contractor, you should know that you may be determined to be the employer of independent contractors, subcontractors and their employees for purposes of providing workers compensation insurance coverage. This result stems from [NRS 616A.210](#), which states: "...subcontractors, independent contractors and the employees of either shall be deemed to be employees of the principal contractor for purposes of [the Nevada Industrial Insurance Act (the "Act")]...." Licensed contractors need to be wary because the Act has a broad definition of principal contractor.

In addition, if an employee of a subcontractor or an independent contractor has a work-related injury and the employer has not secured industrial insurance, the principal contractor will be responsible for the actual cost of the claim, plus administrative fees. Please refer to [NRS 616C.220](#). ☐

Angelina Yllas
Compliance Enforcement Supervisor

CONTACT US

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Division of Industrial Relations
Workers' Compensation Section

SOUTHERN NEVADA

(702) 486-9080 / Fax: (702) 990-0364

NORTHERN NEVADA

(775) 684-7270 / Fax: (775) 687-6305

<http://dirweb.state.nv.us/WCS/wcs.htm>

WCSHelp@business.nv.gov

Reporting Reminders

- ◆ **2015 PT Claims Report:** Watch for the annual PT Claims Report form to be distributed via email in early July and due in early August.

Don't forget!

- ◆ **OD-8 Form:** All claims reportable under the amended statute ([NRS 617.357](#)) that are accepted, or denied, or updated, on or after January 1, 2014, must be reported to WCS on the revised OD-8 Form. The OD-8 Form was revised to reflect amendments made to the reporting requirements by the 2013 Nevada Legislature which limit the reporting requirement to only claims in which the claimant is a firefighter, police officer, arson investigator or emergency medical attendant and that are filed pursuant to [NRS 617.453](#), [617.455](#), [617.457](#), [617.481](#), [617.485](#) or [617.487](#). For more information, visit our website at <http://dirweb.state.nv.us/wcs/raoccds.pdf>.

- ◆ **Insurer Information Form:** Insurers must notify WCS of any changes such as name, address, phone and fax numbers. Insurers must also notify us of all changes in TPAs. Changes should be communicated to us via the *Insurer Information Form*, which can be found on our website under "Insurer and TPA Reporting."

- ◆ **TPA Information Form:** TPAs must notify WCS of any changes such as name, address, phone and fax numbers. Changes should be communicated to us via the *TPA Information Form*, which can be found on our website under "Insurer and TPA Reporting."

- ◆ **FY14 Claims Activity Report and/or Statement of Inactivity:** Deadline was **January 30, 2015**. Insurers who haven't submitted their report should do so immediately. For more information, visit our website at <http://dirweb.state.nv.us/wcs/wcsanrp.htm>. ☐

Reporting Questions:

Contact WCS Research and Analysis at (702) 486-9080 or WCSRA@business.nv.gov.

MEDICAL UNIT



Med Unit Resolves Disputes

The Division of Industrial Relations, Workers' Compensation Section Medical Unit is often asked to assist in resolving billing disputes. Lately, we have been receiving many requests to issue determinations in situations where there is a contractual agreement for reimbursement.

We are unable to issue determinations regarding contractual disagreements. If a provider has contracted with an insurer or third-party administrator for a rate reduction, the disputing party should reexamine the contract and, perhaps, have it reviewed by legal counsel to determine the validity of the reductions taken. In any situation, if the DIR/WCS has made or is unable to make a determination, a party is able to request a hearing through the Appeals Office at the Department of Administration. The notice of appeal should be addressed to the Department of Administration, Appeals Office, 2200 South Rancho Drive, Suite 220, Las Vegas, Nevada 89102 or the Department of Administration, Appeals Office, 1050 East Williams Street, Suite 450, Carson City, Nevada 89701.

Many times, when the Medical Unit receives a request to investigate a reimbursement complaint, we need to make a follow-up communication with the complainant because all of the documentation has not been included with the complaint. The following documentation is generally required to begin researching a complaint: corresponding medical bill(s), explanation of benefits, correspondence received regarding the issue, correspondence sent regarding the issue, record of attempts to resolve the issue and a brief, written explanation describing the specific concern. More specific information may also be requested depending on the nature of the complaint.

As a reminder, billings for health care services must be submitted within 90 days after the date on which the services were rendered unless good cause is shown for a later billing. Initial billing for health care services must not be submitted later than 12 months after the date on which the services were rendered, unless good cause is shown. The insurer or a person authorized by the insurer must receive a bill that is submitted for reconsideration not later than 12 months after the date on which the services were rendered, unless good cause is shown. We sometimes get requests to research reimbursement on bills with a service date older than a year, where no follow through has occurred. The insurer/TPA cannot be held liable for the cost of service if the bill has not been submitted according to the Nevada Medical Fee Schedule and the health care provider is unable to provide a legitimate reason for the untimely filing or lack of follow through.

After the appeals process has been completed with the TPA/Insurer/MCO, please contact the WCS in a timely manner should you require assistance with a billing issue. ☐

-Katherine Godwin, WCS, RN, BSN



Lucero Camorlinga is the new administrative assistant who serves, primarily, as the receptionist for DIR, making her the first person visitors or callers speak to at the Henderson office. Lucero is originally from California and has lived in Nevada for 18 years. She worked at a dental office for



10 years. In her spare time, she enjoys spending time with her family and watching her sons play soccer and baseball.

Michael J. Brooks returns to DIR/WCS Henderson as the ER & A Unit manager. Mike describes his October

2012 retirement and May 2015 return as an "inadvertent 2 ½ year sabbatical." During his brief retirement he re-charged his education with STEM



and social science classes at the College of Southern Nevada and UNLV. However, he freely admits to missing his WCS friends and colleagues and is looking forward to seeing members of the workers' comp community at this year's [Education Conference](#). ☐



Holiday Office Closure:

Fourth of July

Friday, July 3, 2015

Direct comments or suggestions about this newsletter to:
Mike Brooks, Editor or Alma Johnson, Assistant Editor, in the Workers' Compensation Section, Henderson Office (702) 486-9019 or email:
mjbrooks@business.nv.gov or
aljohnson@business.nv.gov